

H. R. 1661

[Report No. 18]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 1949

Mr. SPENCE introduced the following bill; which was referred to the Committee on Banking and Currency

FEBRUARY 4, 1949

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To provide for continuation of authority for the regulation of
exports, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Export Control Act of
4 1949".

5 FINDINGS

(a) Certain materials continue in short supply at home and abroad so that the quantity of United States exports and their distribution among importing countries affect the welfare of the domestic economy and have an important bearing upon the fulfillment of the foreign policy of the United States.

11 (b) The unrestricted export of materials without regard

SEC. 2. The Congress hereby declares that it is the policy of the United States to use export controls to the extent necessary (a) to protect the domestic economy from the excessive drain of scarce materials and to reduce the inflationary impact of abnormal foreign demand; (b) to further the foreign policy of the United States and ~~fulfill~~ *aid in fulfilling* its international responsibilities; and (c) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security.

SEC. 3. (a) To effectuate the policies set forth in section 2 hereof, the President may prohibit or curtail the exportation from the United States, its Territories, and possessions, of any articles, materials, or supplies, including technical data, except under such rules and regulations as he shall prescribe. To the extent necessary to achieve effective enforcement of this Act, such rules and regulations may apply to the financing, ~~carriage~~ *transporting*, and other servicing of exports and the participation therein by any person.

24 (b) The President may delegate the power, authority,
25 and discretion conferred upon him by this Act to such de-

1 departments, agencies, or officials of the Government as he
2 may deem appropriate.

3 CONSULTATION AND STANDARDS

4 SEC. 4. (a) In determining which articles, materials,
5 or supplies shall be controlled hereunder, and in determining
6 the extent to which exports thereof shall be limited, any
7 department, ~~or~~ agency, *or official* making these determina-
8 tions shall seek information and advice from the several
9 executive departments and independent agencies concerned
10 with aspects of our domestic and foreign policies and opera-
11 tions having an important bearing on exports.

12 (b) In authorizing exports, full utilization of private
13 competitive trade channels shall be encouraged insofar as
14 practicable, giving consideration to the interests of small
15 business, merchant exporters as well as producers, and estab-
16 lished and new exporters, and provision shall be made for
17 representative trade consultation to that end. In addition,
18 there may be applied such other standards or criteria as may
19 be deemed necessary by the head of such department or
20 agency, *or official* to carry out the policies of this Act.

21 VIOLATIONS

22 SEC. 5. In case of the violation of any provision of this
23 Act or any regulation, order, or license issued hereunder,
24 such violator or violators, upon conviction, shall be punished

1 by a fine of not more than \$10,000, or by imprisonment for
2 not more than one year, or by both such fine and imprison-
3 ment.

4 ENFORCEMENT

5 SEC. 6. (a) To the extent necessary or appropriate to
6 the enforcement of this Act, the head of any department or
7 agency exercising any functions hereunder (and officers or
8 employees of such department or agency specifically desig-
9 nated by the head thereof) may make such investigations
10 and obtain such information from, require such reports or
11 the keeping of such records by, make such inspection of the
12 books, records, and other writings, premises, or property of,
13 and take the sworn testimony of, any person. In addition,
14 such officers or employees may administer oaths or affirma-
15 tions, and may by subpoena require any person to appear and
16 testify or to appear and produce books, records, and other
17 writings, or both, and in case of contumacy by, or refusal
18 to obey a subpoena issued to, any such person, the district
19 court *of the United States* for any district in which such
20 person is found or resides or transacts business, upon appli-
21 cation, shall have jurisdiction to issue an order requiring
22 such person to appear and give testimony or to appear and
23 produce books, records, and other writings, or both, and any
24 failure to obey such order of the court may be punished by
25 such court as a contempt thereof.

1 (b) No person shall be excused from complying with
2 any requirements under this section because of his privilege
3 against self-incrimination, but the immunity provisions of
4 the Compulsory Testimony Act of February 11, 1893
5 (27 Stat. 443), shall apply with respect to any individual
6 who specifically claims such privilege.

7 (c) No department, ~~or~~ agency, *or official* exercising
8 any functions under this Act shall publish or disclose in-
9 formation obtained hereunder which is deemed confidential
10 or with reference to which a request for confidential treat-
11 ment is made by the person furnishing such information
12 unless the head of such department or agency determines
13 that the withholding thereof is contrary to the national
14 interest.

15 EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT

16 SEC. 7. The functions exercised under this Act shall be
17 excluded from the operation of the Administrative Procedure
18 Act (60 Stat. 237), except as to the requirements of sec-
19 tion 3 thereof.

20 QUARTERLY REPORT

21 SEC. 8. The head of any department or agency, *or*
22 *official* exercising any functions under this Act shall make
23 a quarterly report, within forty-five days after each quarter,
24 to the President and to the Congress of his operations
25 hereunder.

DEFINITION

2 SEC. 9. The term "person" as used herein shall include
3 the singular and the plural and any individual, partnership,
4 corporation, or other form of association, including any
5 government or agency thereof.

EFFECT ON OTHER ACTS

7 SEC. 10. The Act of February 15, 1936 (49 Stat.
8 1140), relating to the licensing of exports of tin-plate scrap,
9 is hereby superseded; but nothing contained in this Act shall
10 be construed to modify, repeal, supersede, or otherwise
11 affect the provisions of any other laws authorizing control
12 over exports of any commodity.

EFFECTIVE DATE

14 SEC. 11. This Act shall take effect February 28, 1949,
15 upon the expiration of section 6 of the Act of July 2, 1940
16 (54 Stat. 714), as amended. All outstanding delegations,
17 *rules*, regulations, orders, licenses, or other forms of admin-
18 istrative action under said section 6 of the Act of July 2,
19 1940, shall, until amended or revoked, remain in full force
20 and effect, the same as if promulgated under this Act.

TERMINATION DATE

22 SEC. 12. The authority granted herein shall terminate
23 on June 30, 1951, or upon any prior date which the Con-
24 gress by concurrent resolution or the President may
25 designate.

Union Calendar No. 8

81ST CONGRESS
1ST Session

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